

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11	LEROY SHACKLFORD WILSON,	} Case No. SACV 08-556 GHK(JC) (PROPOSED) ORDER ADOPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
12	Petitioner,	
13	v.	
14	V. ALMAGER, et al.,	
15	Respondents.	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody (the "Petition") and all of the records herein, including the Report and Recommendation of United States Magistrate Judge ("Report and Recommendation") and Petitioner's Objections thereto ("Objections").

The Court has further made a de novo determination of those portions of the Report and Recommendation to which objection is made. The Court concurs with and adopts the findings, conclusions, and recommendations of the United States

///

///

///

1 Magistrate Judge and overrules the Objections.¹ Petitioner's Objections do not
2 establish good cause to justify a stay of this action.

3 IT IS HEREBY ORDERED that: (1) petitioner's Motion to Stay is denied;
4 (2) respondents' Motion to Dismiss is denied to the extent it seeks dismissal of the
5 Petition with prejudice based upon a statute of limitations bar; and (3) unless
6 petitioner files a notice of withdrawal of his second claim within twenty (20) days
7 of the entry of this Order, Judgment be entered (a) granting respondents' Motion
8 to Dismiss to the extent it seeks dismissal of this action without prejudice;
9 (b) denying the Petition; and (c) dismissing this action without prejudice.

10 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order
11 and the Report and Recommendation on petitioner and on counsel for respondents.

12 IT IS SO ORDERED.

13 DATED: 12/22/08

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


HONORABLE GEORGE H. KING
UNITED STATES DISTRICT JUDGE

¹Subsequent to the issuance of the Report and Recommendation, petitioner filed a copy of, *inter alia*, the state habeas petition currently pending before the California Supreme Court. (Docket No. 19). Although the Report and Recommendation notes the absence of such document in the record (Report and Recommendation at 4 n.6), the inclusion of such document in the record does not alter the Court's analysis or conclusions.